

OCT 20 2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (503) 439-8778

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (503) 439-6073

FACSIMILE COVER SHEET

Deliver to: YIGDALL, Michael J., USPTOArt Group: 2192Facsimile No.: (571) 273-8300Date: October 19, 2006From: Mark C. Van Ness, Reg. No. 39,865Our Docket No.: 42390P11705Number of pages 17 including this sheet.Application No.: 09/966,458Filing Date: 9/28/2001Docket Due Date(s): 10/19/2006 | 10/19/2006

Enclosed are the following documents:

Amendment: After Final (14 pgs)
 Appeal Brief (pgs)
 Application: (pgs) w/cover & abstract)
 Assignment & Cover Sheet (pgs)
 Certificate of
 Continued Prosecution Application (CPA)
 Declaration & POA (pgs)
 Drawings: sheets, figures
 Extension of Time:
 Fee Transmittal (in duplicate)
 IDS & PTO/SB/08 (pgs)
 Other

Issue Fee Transmittal
 Notice of Appeal
 Petition for:
 Request for Continued Examination (RCE)
 Reply Brief (pgs)
 Request & Certification Under 35 USC 122(b)(2)(B)(i)
 Request to Rescind Previous Nonpublication Request
 Response to Notice of Missing Parts & Formalities Letter
 Response to Written Opinion (pgs)
 Terminal Disclaimer
 Transmittal of Publication Fee Due
 Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



10/19/2006

Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (503) 439-8778 and ask for Mark C. Van Ness.

RECEIVED
CENTRAL FAX CENTER

002

OCT 20 2006

TRANSMITTAL FORM

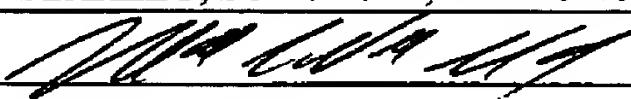
(to be used for all correspondence after initial filing)

		Application No.	09/966,458
		Filing Date	September 28, 2001
		First Named Inventor	Hong Wang
		Art Unit	2192
		Examiner Name	YIGDALL, Michael J.
Total Number of Pages in This Submission		Attorney Docket Number	42390P11705

ENCLOSURES (check all that apply)

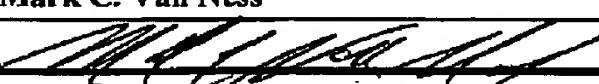
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 19, 2006

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Typed or printed name	Mark C. Van Ness
Signature	
Date	October 19, 2006

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2005.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

OCT 20 2006

FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	09/966,458
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	September 28, 2001
		First Named Inventor	Hong Wang
		Examiner Name	YIGDALL, Michael J.
		Art Unit	2192
		Attorney Docket No.	42390P11705

METHOD OF PAYMENT (check all that apply)

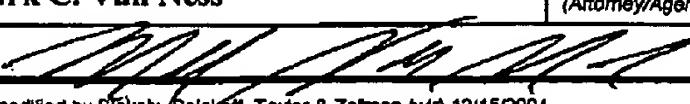
Check Credit card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet.
2053	130	2053	130 Non-English specification
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1,020	2253	510 Extension for reply within third month
1254	1,590	2254	795 Extension for reply within fourth month
1255	2,160	2255	1,080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1451	1,510	2451	1,510 Petition to institute a public use proceeding
1460	130	2460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
1809	790	1809	395 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810	395 For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify) _____			
SUBTOTAL (2) (\$)			

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865	Telephone (503) 439-8778
Signature			Date	10/19/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 12/15/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

OCT 20 2006

Our Docket No: 42390P11705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Wang, et al)	Examiner: Yigdall, Michael J.
Application No: 09/966,458)	Art Unit: 2192
Filed: September 28, 2001)	
For: Configurable System Monitoring)	
For Dynamic Optimization of)	
Program Execution)	

AMENDMENT AND RESPONSE

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir or Madam:

In response to the Final Office Action mailed July 19, 2006, the Applicant respectfully requests the Examiner to enter the following amendment and to consider the following remark.

CERTIFICATE OF TRANSMISSION

I hereby certify that I am causing the above-referenced correspondence was sent by facsimile on the date shown below to the United States Patent and Trademark Office

October 19, 2006
 Date of Deposit

Mark C. Van Ness
 Name of Person Sending Transmission

 10/19/06
 Signature Date

Attorney Docket No.: 42390P11705
 Application No.: 09/966,458

-1-